IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WA.No. 1953 of 2007

AGAINST THE JUDGEMENT IN WP(C) NO.15810/2007 Dated 29/06/2007

APPELLANT: RESPONDENTS NO.1 & 2 IN WP(C):
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1. THE INDIAN NURSING COUNCIL,
   REPRESENTED BY ITS SECRETARY, COMBINED COUNCIL'S
   BUILDING, KOTLA ROAD, TEMPLE LANE,NEW DELHI-100001

2. THE KARNATAKA STATE NURSING COUNCIL,
   REPRESENTED BY ITS REGISTRAR, OFFICE OF THE
   KARNATAKA STATE NURSING COUNCIL, NO.71,
   SURYA APARTMENTS, GANDHINAGAR, BANGALORE,
   STATE OF KARNATAKA, PIN-560 009.

   BY SENIOR COUNSEL SIVARUDRA
   ADV. SRI.NOUSHAD THOTTATHIL

RESPONDENTS: PETITIONER & RESPONDENTS NO.3 & 4 IN WP(C):
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1. JOSE KURUVILLA, S/O.KURUVILLA MAMMEN,
   KADUMTHOTTAYIL HOUSE, THIRUMOOLAPURAM P.O.,
   THIRUVALLA, PATHANAMTHITTA DISTRICT.

2. THE JOINT COMMISSIONER OF ENTRANCE
   EXAMINATION, POOJAPPURA, THIRUVANANTHAPURAM.

3. THE SECRETARY,
   BOARD OF PUBLIC EXAMINATION, KERALA,
   THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1953 OF 2007

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Dated this the 16th August , 2007

J U D G M E N T

H.L. Dattu, C.J.:

The Indian Nursing Council represented by its Secretary and the Karnataka State Nursing Council represented by its Registrar are the appellants in this appeal. The appeal is filed against the orders passed by the learned single Judge in W.P.(C) 15810 of 2007 dated 29th June, 2007. By the impugned order, the learned single Judge has directed the appellants herein to issue the corrected registration certificate to the petitioner therein (first respondent herein) showing his date of birth as in the corrected SSLC book.

2. The petitioner in the Writ Petition was a nursing student from the State of Kerala who has successfully completed his nursing course from the Karnataka State and obtained registration certificate from the Registrar of the Karnataka State Nursing Council . Since there was some mistakes in the date of birth mentioned in the school records, after following the due procedure prescribed under the provisions of the Kerala Education Rules, he got his date of birth corrected in the SSLC book. After such correction, he approached the second appellant herein to make appropriate corrections in the entries in the register of the Karnataka State Nursing Council and also to issue a fresh Registration Certificate with the corrected date of birth as has been done in the corrected school records. Since that was refused by the second appellant herein, he was constrained to approach this Court by filing Writ Petition No.

15810 of 2007.

3. The learned single Judge has accepted the stand of the petitioner and accordingly has issued certain directions to the second appellant herein. Being aggrieved with the said directions issued by the learned single Judge, the appellants are before us in this Writ Appeal.

4. Learned counsel for the appellants would submit that the learned single Judge was not justified in allowing the Writ Petition and in issuing certain directions to the second appellant herein. In support of his contentions, learned counsel relies on the observation made by the Apex Court in **Board of Secondary Education of Assam vs. Md. Sarifuz Zaman and Ors.** ***(Civil Appeal Nos. 10250 and 10251 of 2003 dated 19.12.2003***).

5. The admitted facts are: The petitioner in the Writ Petition was a student from the Kerala . He had opted to study the nursing course in the Karnataka State, in one of the schools recognised by the appellants. At the time of admission, he had produced the SSLC certificates issued by the competent authority under the provisions of the Kerala Education Rules. The date of birth mentioned in the said certificate was reflected in the certificate issued by the second appellant herein. After completing the course, being of the opinion that the date of birth entered in his SSLC book is incorrect and inappropriate, he had approached the competent authority under the provisions of the Kerala Education Rules . The competent authority, after following the due procedure prescribed under the said Rules, has corrected the date of birth of the petitioner by issuing a fresh SSLC book. The respondents/appellants herein ought to have taken into consideration the date

of birth as corrected in the SSLC records by the competent authority. This has not been done by the appellants herein . Therefore, he had no other alternative remedy, but to approach this court for an appropriate direction.

6. The learned single Judge, keeping two aspects of the matter in view; firstly that the Registration Certificate issued by the second appellant herein was in consonance with the school records, which was produced at the time of admission of the petitioner to the nursing course and secondly since the entry with regard to the date of birth in the SSLC book has been corrected by the competent authority, held that it is competent for the second appellant to affect appropriate corrections in the Registration Certificate. In our view, the findings and the conclusions reached by the learned single Judge is in consonance with the provisions of the Kerala Education Rules and therefore, we do not find any error in the orders passed by the learned single Judge.

7. The reference to the decision of the Apex Court by the learned counsel for the appellant , in our opinion, would not assist him in any manner whatsoever. That was a case where a student had approached the authorities belatedly. The request of the student had been considered by the authorities and accordingly had issued an appropriate corrected date of birth certificate . Aggrieved by the action of the authorities and also the directions issued by the court, the Board of Secondary Education of Assam had approached the Honourable Supreme Court. The Supreme Court, being of the opinion that a student is expected to know his date of birth as mentioned in the SSLC certificate, held that if he was of the opinion that the date of birth mentioned

in the certificate is either incorrect or inappropriate, he should have approached the appropriate authority within a reasonable time. In the instant case, the case of the petitioner (first respondent herein) is totally different. He is relying upon the corrected SSLC records for correction of the date of birth in the Registration Certificate issued by the second appellant herein.

In view of the above, interference with the orders passed by the learned single Judge is not called for. Accordingly, the Writ Appeal requires to be rejected and it is rejected. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

lk/dk